

Senate File 209

H-1097

1 Amend Senate File 209, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 21, after line 23 by inserting:

4 <DIVISION
5 TAX RELIEF FUND

6 Sec. _____. Section 8.55, subsection 2, Code 2011, is
7 amended to read as follows:

8 2. a. The maximum balance of the fund is the
9 amount equal to two and one-half percent of the
10 adjusted revenue estimate for the fiscal year. If the
11 amount of moneys in the Iowa economic emergency fund is
12 equal to the maximum balance, moneys in excess of this
13 amount shall be transferred to the general tax relief
14 fund.

15 b. Notwithstanding paragraph "a", any moneys
16 in excess of the maximum balance in the economic
17 emergency fund after the distribution of the surplus
18 in the general fund of the state at the conclusion
19 of each fiscal year shall not be transferred to the
20 general tax relief fund of the state but shall be
21 transferred to the senior living trust fund. The
22 total amount appropriated, reverted, or transferred,
23 in the aggregate, under this paragraph, section
24 8.57, subsection 2, and any other law providing
25 for an appropriation or reversion or transfer of an
26 appropriation to the credit of the senior living trust
27 fund, for all fiscal years beginning on or after July
28 1, 2004, shall not exceed the amount specified in
29 section 8.57, subsection 2, paragraph "c".

30 Sec. _____. **NEW SECTION. 8.57E Tax relief fund.**

31 1. The tax relief fund is created. The fund shall
32 be separate from the general fund of the state and
33 the balance in the fund shall not be considered part
34 of the balance of the general fund of the state. The
35 moneys credited to the fund are not subject to section
36 8.33 and shall not be transferred, used, obligated,
37 appropriated, or otherwise encumbered except as
38 provided in this section.

39 2. Moneys in the tax relief fund shall only be
40 used as pursuant to appropriations made by the general
41 assembly to reduce taxes.

42 3. a. Moneys in the fund may be used for cash flow
43 purposes during a fiscal year provided that any moneys
44 so allocated are returned to the fund by the end of
45 that fiscal year.

46 b. Except as provided in section 8.58, the tax
47 relief fund shall be considered a special account for
48 the purposes of section 8.53 in determining the cash
49 position of the general fund of the state for the
50 payment of state obligations.

1 4. Notwithstanding section 12C.7, subsection 2,
2 interest or earnings on moneys deposited in the tax
3 relief fund shall be credited to the fund.

4 Sec. _____. Section 8.58, Code 2011, is amended to
5 read as follows:

6 **8.58 Exemption from automatic application.**

7 1. To the extent that moneys appropriated under
8 section 8.57 do not result in moneys being credited
9 to the general fund under section 8.55, subsection
10 2, moneys appropriated under section 8.57 and moneys
11 contained in the cash reserve fund, rebuild Iowa
12 infrastructure fund, environment first fund, and Iowa
13 economic emergency fund, and tax relief fund shall not
14 be considered in the application of any formula, index,
15 or other statutory triggering mechanism which would
16 affect appropriations, payments, or taxation rates,
17 contrary provisions of the Code notwithstanding.

18 2. To the extent that moneys appropriated under
19 section 8.57 do not result in moneys being credited
20 to the general fund under section 8.55, subsection
21 2, moneys appropriated under section 8.57 and moneys
22 contained in the cash reserve fund, rebuild Iowa
23 infrastructure fund, environment first fund, and Iowa
24 economic emergency fund, and tax relief fund shall not
25 be considered by an arbitrator or in negotiations under
26 chapter 20.

27 Sec. _____. TAX RELIEF FUND — LEGISLATIVE
28 INTENT. It is the intent of the general assembly to
29 enact appropriations from the tax relief fund created
30 by this division of this Act pursuant to tax relief
31 legislation which shall be proposed by the standing
32 committees on ways and means of the senate and house
33 of representatives.

34 Sec. _____. EFFECTIVE DATE AND APPLICABILITY.

35 1. This division of this Act, being deemed of
36 immediate importance, takes effect upon enactment.

37 2. The amendment in this division to section
38 8.55, providing for transfer of moneys from the Iowa
39 economic emergency fund to the tax relief fund instead
40 of the general fund of the state applies to transfers
41 made from the Iowa economic emergency fund after
42 the effective date of this division and the state
43 general fund expenditure limitation calculated for the
44 fiscal year beginning July 1, 2011, shall be adjusted
45 accordingly.

46 DIVISION _____

47 STATE EMPLOYEES — REVENUE ESTIMATE

48 Sec. _____. GROUP HEALTH INSURANCE PREMIUM COSTS FOR
49 STATE EMPLOYEES.

50 1. The state's executive and judicial branch

1 authorities responsible for negotiating the collective
2 bargaining agreements entered into under chapter 20
3 shall engage in discussions with the applicable state
4 employee organizations to renegotiate provisions
5 involving health insurance coverage of state employees
6 and their families in order to achieve cost savings
7 for the state. The discussions shall include but are
8 not limited to a requirement for a state employee who
9 is covered by a collective bargaining agreement and
10 is a member of state group health insurance plan for
11 employees of the state established under chapter 509A
12 to pay at least one hundred dollars per month of the
13 total premium for such health plan coverage for single
14 persons or increase the amount paid per month for
15 family coverage by the same amount that would be paid
16 for the single persons coverage.

17 2. If collective bargaining agreements are
18 renegotiated to achieve cost savings pursuant to
19 subsection 1, the cost savings provisions shall
20 also apply to state employees who are not covered by
21 collective bargaining as provided in chapter 20 and
22 are members of a state group health insurance plan for
23 employees of the state established under chapter 509A.

24 3. Beginning on the effective date of this section
25 or March 1, 2011, whichever is earlier, a state
26 legislator or legislative staff member who is a member
27 of a state group health insurance plan for employees
28 of the state established under chapter 509A shall pay
29 at least one hundred dollars per month of the total
30 premium for such health care coverage for single
31 persons or increase the amount paid per month for
32 family coverage by the same amount that would be paid
33 for the single persons coverage. The payment amount
34 shall be determined by the legislative council, subject
35 to the minimum amount specified in this subsection.

36 Sec. _____. REVENUE ESTIMATING CONFERENCE
37 MEETING. Upon the request of the speaker of the
38 house of representatives or the majority leader of the
39 senate, the revenue estimating conference shall meet on
40 a date in February or March 2011, as specified in the
41 request. At this meeting, in addition to the estimates
42 normally agreed to at the meetings of the conference,
43 the conference shall also agree on estimates for fiscal
44 year 2012-2013.

45 Sec. _____. NEW SECTION. **8A.440 Group health**
46 **insurance premium costs.**

47 1. Collective bargaining agreements entered into
48 pursuant to chapter 20 for state employees shall
49 provide that a state employee covered by that agreement
50 who is a member of a state group health insurance plan

1 for employees of the state established under chapter
2 509A shall pay at least one hundred dollars per month
3 of the total premium for such insurance for single
4 persons or increase the amount paid per month for
5 family coverage by the same amount that would be paid
6 for the single persons coverage.

7 2. A state employee not covered by a collective
8 bargaining agreement as provided in chapter 20 who
9 is a member of a state group health insurance plan
10 for employees of the state established under chapter
11 509A shall pay the same amount per month of the
12 total premium for such insurance as is paid under
13 the collective bargaining agreement that covers
14 the greatest number of state employees in the state
15 government entity employing the state employee.

16 Sec. _____. APPLICABILITY. The provision of this
17 division of this Act enacting section 8A.440, applies
18 to collective bargaining agreements entered into on or
19 after the effective date of this division of this Act.

20 Sec. _____. EFFECTIVE UPON ENACTMENT. This division
21 of this Act, being deemed of immediate importance,
22 takes effect upon enactment.

23 DIVISION _____

24 NATURAL RESOURCES

25 Sec. _____. DEPARTMENT OF NATURAL RESOURCES — REAL
26 PROPERTY ACQUISITION CURTAILED.

27 1. Notwithstanding any provision to the contrary,
28 for the period beginning on the effective date of this
29 section through the close of the fiscal year ending
30 on June 30, 2011, the department of natural resources
31 shall not enter into a new arrangement to acquire or
32 otherwise control real property.

33 2. For the purposes of this section, "new
34 arrangement" means an obligation entered into on
35 or after the effective date of this section. An
36 obligation includes but is not limited to an agreement,
37 contract, lease-purchase arrangement, or any other
38 instrument leading to state ownership or control
39 of real property that was not previously owned or
40 controlled by the state. "New arrangement" does
41 not include a real property acquisition or control
42 project for which an appropriation to the department
43 was encumbered prior to the effective date of this
44 section. "New arrangement" does not include a donated
45 real property acquisition or control project received
46 or entered into on or after the effective date of this
47 section.

48 3. This section, being deemed of immediate
49 importance, takes effect upon enactment.

50 Sec. _____. 2010 Iowa Acts, chapter 1191, section 20,

1 is amended to read as follows:

2 SEC. 13. IOWA RESOURCES ENHANCEMENT AND PROTECTION
3 FUND. Notwithstanding the amount of the standing
4 appropriation from the general fund of the state to
5 the Iowa resources enhancement and protection fund as
6 provided in section 455A.18, there is appropriated from
7 the environment first fund created in section 8.57A to
8 the Iowa resources enhancement and protection fund,
9 in lieu of the appropriation made in section 455A.18,
10 for the fiscal year beginning July 1, 2010, and ending
11 June 30, 2011, the following amount, to be allocated as
12 provided in section 455A.19:

13 \$ ~~15,000,000~~
14 11,931,189

15 Sec. _____. EFFECTIVE UPON ENACTMENT. This division
16 of this Act, being deemed of immediate importance,
17 takes effect upon enactment.

18 DIVISION ____
19 COUNTY MENTAL HEALTH
20 AND DISABILITY SERVICES

21 Sec. _____. COUNTY WAITING LISTS.

22 1. There is appropriated from the general fund of
23 the state to the department of human services for the
24 fiscal year beginning July 1, 2010, and ending June 30,
25 2011, the following amount, or so much thereof as is
26 necessary, to be used for the purposes designated:

27 To be credited to the risk pool in the property tax
28 relief fund created in chapter 426B and expended as
29 provided in this section:

30 \$ 25,000,000

31 2. The amount appropriated in this section is
32 appropriated from the risk pool to the department
33 of human services for distribution as provided in
34 this section. Notwithstanding section 8.33, moneys
35 appropriated in this section that remain unencumbered
36 or unobligated at the close of the fiscal year shall
37 not revert but shall remain available for expenditure
38 for the purposes designated until the close of the
39 succeeding fiscal year.

40 3. a. For the purposes of this section, "services
41 fund" means a county's mental health, mental
42 retardation, and developmental disabilities services
43 fund created in section 331.424A.

44 b. The risk pool board shall implement a process
45 for distribution of the amount appropriated in this
46 section to counties to be used to provide eligibility
47 for services and other support payable from the
48 counties' services funds for persons who are eligible
49 under county management plans in effect as of December
50 31, 2010, but due to insufficient funding are on a

1 waiting list for the services and other support. The
2 period addressed by the funding appropriated in this
3 section begins on or after the effective date of
4 this section and ends June 30, 2012. Of the amount
5 appropriated in this section, up to \$5,000,000 shall
6 be targeted to expand medical assistance program
7 waiver slots for those waivers for which counties pay
8 the nonfederal share of the costs. The distribution
9 allocations shall be completed on or before July 1,
10 2011.

11 c. The general assembly finds that as of the time
12 of enactment of this section, the funding appropriated
13 in this section is sufficient to eliminate the need
14 for continuing, instituting, or reinstating waiting
15 lists during the period addressed by the appropriation.
16 However, the process implemented by the risk pool
17 board shall ensure there is adequate funding so that
18 a person made eligible for services and other support
19 from the waiting list would not be required to return
20 to the waiting list if a later projection indicates the
21 funding is insufficient to cover for the entire period
22 all individuals removed from the waiting list pursuant
23 to this section.

24 d. The funding provided in this section is intended
25 to provide necessary services for adults in need of
26 mental health, mental retardation, or developmental
27 disabilities services until improvements to the current
28 system can be developed and enacted.

29 Sec. _____. ADULT MENTAL HEALTH AND DISABILITY
30 SERVICE SYSTEM REFORM.

31 1. The general assembly finds there is need to
32 reform the adult mental health and disability services
33 system administered by counties to address the needs
34 of persons with mental illness, mental retardation, or
35 developmental disabilities. Issues with the current
36 system include the following:

37 a. Lack of a set of core services uniformly
38 available throughout the state.

39 b. Lack of uniformity in service expenditures
40 throughout the state.

41 c. Disparity in county levy rates for the services
42 funds for this system.

43 d. The need to improve the array of community-based
44 services and services to avoid the use or continued use
45 of crisis services.

46 e. The need to expand the availability of dual
47 diagnosis mental health and substance abuse services.

48 f. The need to improve the consistency of services
49 available to both youth and adult populations.

50 g. The need to address the medical assistance

1 (Medicaid) program changes in the federal Patient
2 Protection and Affordable Care Act (PPACA) that will
3 greatly expand the program's eligibility for persons in
4 the service system beginning in calendar year 2014.

5 h. Dissatisfaction with using county of legal
6 settlement determinations to determine county and state
7 financial responsibility for services.

8 2. In order to address the issues identified in
9 subsection 1, the committees on human resources,
10 appropriations, and ways and means of the senate and
11 house of representatives shall propose legislation to
12 address the following actions by the dates indicated:

13 a. Phase-in of the state fully assuming the
14 nonfederal share of the costs for Medicaid program
15 services now borne by counties by the implementation
16 date of the Medicaid eligibility changes under PPACA.

17 b. Provide property tax relief and equity by having
18 the state assume a greater role in funding the adult
19 mental health and disability services system from
20 counties by July 1, 2012, when the repeals contained in
21 this division of this Act take effect.

22 c. Shift the balance of responsibilities for the
23 services system between the state and counties so
24 that the state ensures greater uniformity and there
25 is sufficient size to develop effective services
26 while maintaining the county role of bringing local
27 resources together in unique ways that best meet the
28 needs of clients, by implementing a new services system
29 structure by July 1, 2012, when the repeals contained
30 in this division of this Act take effect.

31 Sec. _____. Section 331.424A, Code 2011, is amended
32 by adding the following new subsection:

33 NEW SUBSECTION. 6. This section is repealed July
34 1, 2012.

35 Sec. _____. Section 331.438, Code 2011, is amended by
36 adding the following new subsection:

37 NEW SUBSECTION. 5. This section is repealed July
38 1, 2012.

39 Sec. _____. Section 331.439, Code 2011, is amended by
40 adding the following new subsection:

41 NEW SUBSECTION. 10. This section is repealed July
42 1, 2012.

43 Sec. _____. Section 331.440, Code 2011, is amended by
44 adding the following new subsection:

45 NEW SUBSECTION. 7. This section is repealed July
46 1, 2012.

47 Sec. _____. NEW SECTION. **426B.6 Future repeal.**
48 This chapter is repealed July 1, 2012.

49 Sec. _____. 2010 Iowa Acts, chapter 1193, section 1,
50 is amended to read as follows:

1 SECTION 1. ADULT MH/MR/DD SERVICES ALLOWED
2 GROWTH FUNDING — FY 2011-2012. Notwithstanding
3 section 331.439, subsection 3, the allowed growth
4 factor adjustment for county mental health, mental
5 retardation, and developmental disabilities service
6 expenditures for the fiscal year beginning July 1,
7 2011, shall be established by statute which shall be
8 enacted within thirty calendar days of the ~~convening of~~
9 ~~the Eighty-fourth General Assembly, 2011 Session, on~~
10 ~~January 10, 2011~~ date the governor's recommendation is
11 submitted to the general assembly. The governor shall
12 submit to the general assembly a recommendation for
13 such allowed growth factor adjustment and the amounts
14 of related appropriations to the general assembly
15 on or before January ~~11~~ 27, 2011. The governor's
16 recommendation and the allowed growth factor adjustment
17 enacted by the general assembly pursuant to this
18 section shall incorporate measures to ensure that
19 the funding appropriated during the 2011 legislative
20 session to the risk pool in the property tax relief
21 fund to eliminate county waiting lists for services can
22 be relied upon to remain available for the long term to
23 support the services provided for the individuals who
24 were removed from a waiting list.

25 Sec. ____ . CONFORMING PROVISIONS. The legislative
26 services agency shall prepare a study bill for
27 consideration by the committees on human resources of
28 the senate and house of representatives for the 2012
29 legislative session, providing conforming Code changes
30 for implementation of the repeal provisions contained
31 in this division of this Act.

32 Sec. ____ . EFFECTIVE UPON ENACTMENT. This division
33 of this Act, being deemed of immediate importance,
34 takes effect upon enactment.

35 Sec. ____ . RETROACTIVE APPLICABILITY. The provision
36 of this division of this Act amending 2010 Iowa Acts,
37 chapter 1193, section 1, applies retroactively to April
38 29, 2010.>

39 2. By renumbering as necessary.

COMMITTEE ON APPROPRIATIONS
RAECKER of Polk, Chairperson